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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Terho Kaikuranta

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EXAMINER

NGUYEN, CHANH DUY

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 01/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/928,929

Applicant(s)

KAIKURANTA, TERHO

Examiner

Chanh Nguyen

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on November 03, 2003 has been entered and considered by examiner.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agnew (US 2002/0084992 A1) in view of Hasegawa et al (U.S. Patent No. 6,208,330) and further in view of Jambhekar et al (U.S. Patent No. 5,715,524).

As to claim 1, Agnew discloses a touch pad device (14) including a plurality of optical sensor components (14 and 22) having at least two light emitter (16) (see page 2, paragraph 0022) and one light receiver (22) to detect the presence of the object at the touch pad device (14) (see page 2 paragraphs 0024 and 0028). Agnew teaches the optical sensor components (14 and 22) being disposed near the touch pad device (14) such that the light receiver (22) capable of receiving light emitted from the light emitter for providing an output signal and the output signal caused to change when the object (finger or stylus) is present (see page 2, paragraphs 0024-0025 and 0029). Agnew

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teaches the step of detecting the change in the output signal for providing the touch signal when the object is present (see page 2, paragraphs 0024-0025 and 0029).

Agnew does not mention the objected being "reflected". Hasegawa teaches that the optical scanning/detection unit 10A detects reflections light from the object...preciseness of discrimination of a finger or a fist is enhanced by considering a distance between the optical scanning/detecting unit 10a and the object" (see column 5, lines 40-49". This reads on the claimed "reflected objected" recited in the claim.

Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used reflecting light detection circuit to the detection circuit of Agnew so as to provide the preciseness of pen input operation (se column 1, lines 59-63 of Hasegawa).

Both Agnew andHasegawa and do not mention the steps of preventing unintended touch pad input resulting form accidental touching of a touch pad device in an electronic device. In the same field of endeavor (cellular phone with touch pad), Jambhekar teaches an electronic device (103) a key lock function (i.e. a switch 127) settable in a first state allowing a user to input into the electronic device one of a plurality of input functions (e.g., touch pad function ) and settable in a second state allowing the user to input into the electronic device (103) one of a number of selected one of a the plurality of input functions (e.g., key function) (see column 3,line 66 through column 4, line 11). Jambhekar teaches all the steps of determining whether the key lock function (switch 127) is in the first state or in the second state in response to the touch signal, if the key lock function is the first state, if the key lock function is in the

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second state and the touch pad is one of the selected input functions, providing the touch pad input indicative of the touch pad function (see column 2, lines 51-55 and column 4, lines 1-11). It is clear that the Jambhekar clearly teaches a method of preventing unintended touch pad input resulting from accidental touch of a touch pad device in an electronic device because the switch (127) determines activating only one of the user functions at time (i.e. either activate key pad user function or touch pad user function). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the key lock function of Jambhekar to the electronic device of Agnew as modified by Hasegawa so that a user could easily identify the user interface of a first data service from a user interface of a second data service (see column 1, lines 43-46 of Jambhekar).

As to claim 6, this claim differs from claim 1 only in that the limitation of a first state functions defined in the claim 6 whereas claim 1 defines the function of second state. Jambhekar clearly teaches the step of providing the touch pad input indicative of the touch pad function only if the key lock function is the first state (see column 4, lines 1-11).

As to claim 10, this claim differs from claims 1 and 6 only in that claims 1 and 6 are method whereas claim 10 is apparatus. Thus, apparatus claim 10 is analyzed as previously discussed with respect to claims 1 and 6 above.

As to claims 2-3, 8 and 11-12, since the switch (127) of Jambhekar connected to a microprocessor (115) for performing function change between touch pad and key pad.

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The processor (133) is clearly carryout by a software. The processor (113) is just a piece of silicon or semiconductor if it does not have software programming on it.

As to claim 4, Agnew clearly teaches the touch pad device allowing the user to choose one of a plurality of touch pad function based on the location of the object present at the touch pad device including the step of determining the chosen touch pad function based on the change in the output signal (see page 1, paragraph 0014). That is the electronic device of Agnew includes one of the devices such as mobile telephone, PDA , book reader. These device have a plurality of functions displayed on the screen so that a user can select one of the functions to provide the information for a user needed.

As to claim 5, since both device of Agnew and Jambekar are mobile telephone. It is clear that the selected functions including zero (i.e. number zero located on the key pad of the telephone).

As to claims 7, 9, combining Agnew and Jambekar would arrive the step of powering off the optical sensor components when the key lock function is in the second state. Moreover, it is well-known to turn off the touch pad for conserving power, even acknowledged by applicant on page 2, lines 8-29 of the specification.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the reference of Hasegawa has been added for new ground of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

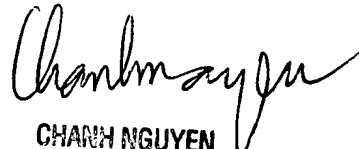
**(703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

CN

C. Nguyen  
January 24, 2004

  
CHANH NGUYEN  
PRIMARY EXAMINER